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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA, PHOENIX DIVISION

In Re:

CATHERINE ANNE WILIAMSON

Debtor,

Bank of America, National Association,
As assignee to Banc of America Mortgage
Capital Corporation,

Movant,

v.

CATHERINE ANNE WILIAMSON
and RUSSELL A. BROWN, Trustee,

Respondents.

Case No: 2:15-bk-15653 PS

CHAPTER 13

DEBTORS' RESPONSE TO
MOTION FOR RELIEF FROM
AUTOMATIC STAY

AND

REQUEST FOR HEARING

COMES NOW, Respondent/Debtor, CATHERINE ANNE WILLIAMSON, and hereby responds to the Motion to Lift the Automatic Bankruptcy Stay (hereafter "Motion") filed by Bank of America, National Association, as assignee to Banc of America Mortgage Capital Corporation, ("Movant"), and in opposition to same would respectfully show the Court the following:

The allegations made by and through Movant's Motion alleged in numbered paragraphs. Admission is made only to express matters admitted herein, and any non-referenced matter is DENIED. Except as expressly admitted, the allegations of Movant's Motion are DENIED.

1. Debtor ADMITS on that Debtors entered into a loan transaction for the financing of the purchase of their home.
2. Debtor DENIES the statement of law made at paragraph 2 of the Motion.
3. Debtor ADMITS the allegations made at paragraph 3 of the Motion.
4. Debtor ADMITS the allegations made at paragraph 4 of the Motion.
5. Debtor DENIES default as alleged. Debtor ADMITS that default exists; however, to the extent that default exists, Debtor has the intent and ability to cure, if afforded time and opportunity.
6. Debtor DENIES paragraph 6 of the Motion.
7. Debtor DENIES paragraph 7 of the Motion.
8. Debtor ADMITS only that there is equity in the property. Except as expressly admitted, the remaining allegations of paragraph 8 are DENIED.

MEMORANDUM OF POINTS AND AUTHORITIES

9. The Court should continue automatic stay protection. The property at issue ("Property") is property in which the Debtor acquired rights, pre-petition, by virtue of the Note and Deed of Trust, and further constitutes the residential homestead of the Debtor.
10. Debtor will show that there is equity in the property.
11. By way of further response, Debtor would show that adequate protection is provided by Debtor's willingness and ability to promptly cure any default.
12. Denial of Movant's Motion is supported by the evidence, which shall be timely submitted for preliminary hearing of this matter by the Court.
13. Debtors would show that the following relief is appropriate:

The automatic stay remains in force and effect regarding the indebtedness at issue and the subject Property; however, continuation of the automatic stay is conditioned upon Debtors' performance of all terms of the Chapter 13 Plan, and requirements of the office of the Chapter 13 Trustee's office.

REQUEST FOR HEARING

Debtor(s) move(s) the Court to schedule hearing in the above referenced matter, and that such hearing occur prior to the expiration of 30 days of the presentation of Movant's Motion as required under 11 U.S.C. Section 362(e). Debtor(s) request that the Court conduct such preliminary hearing, for purposes of examining the affidavit evidence of the parties, and making appropriate interim orders.

WHEREFORE Debtor(s) pray that the Court deny Movant's Motion, and that the Court order that the automatic stay remain in effect.

RESPECTFULLY SUBMITTED this 14th day of September, 2016,

THE WESBROOKS LAW FIRM, P.L.L.C.

/s/MW018690

Mark Wesbrooks

The Wesbrooks Law Firm PLLC

Attorney for Debtor/Non-Movant

COPY of the forgoing
Filed via ECF, on the 14th day of September, 2016,

Notice will be electronically mailed to:

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